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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,393	01/31/2001	Anoop Gupta	418268854US	7988
45979	7590	07/20/2009	EXAMINER	
PERKINS COIE LLP/MSFT P. O. BOX 1247 SEATTLE, WA 98111-1247				SHEPARD, JUSTIN E
ART UNIT		PAPER NUMBER		
2424				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/775,393	GUPTA, ANOOP	
	<b>Examiner</b>	<b>Art Unit</b>	
	Justin E. Shepard	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 May 2009.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 16-18 and 76-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 16-18 and 76-78 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Arguments***

Page 5, 112 paragraph:

The applicant claims that "second user" is found in the published specification in paragraph 54. The examiner disagrees that the phrase "second user" appears in this section, but understands that the additional groups recited in this section would inherently contain a second user. The examiner thereby withdraws the 112 rejection of claim 16.

Page 5, 101 paragraph:

The amendment to claim 16 gets around the previous 101 rejection and the 101 rejection is withdrawn.

Page 6, last paragraph:

The applicant claims that as none of the references recite a first viewer, that the limitation has not been met and the rejection is not valid. The examiner is interpreting the creator of the EPG data found in Morrison (column 5, lines 28-34) as being created by a first viewer as a person would need to watch the programming to create a program summary (column 1, lines 26-31). The applicant should amend the claims to indicate that the first viewer is not the creator of the EPG data if this is found in applicant's specification. This would cause the examiner to perform an additional search, which would move prosecution forward.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-18 and 76-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison in view of Sumita in view of Morris.

Referring to claim 16, Morrison discloses a method in a computer device (figure 4) of rendering portions of a television program, the method comprising:

receiving meta data corresponding to the television program (figure 6, part 605), wherein the meta data identifies television program (column 3, lines 25-30) and, the meta data being organized into sets of meta data for the television program (column 3, lines 25-30); and

receiving from the second viewer input search criteria relating characteristics of the television program (column 3, lines 25-30);

searching by the computing device the received meta data provided by the first viewers of the selected set of meta data to locate meta data that satisfies the input search criteria (column 3, lines 25-30);

rendering to the second viewer the selected portions of the television program (column 1, lines 44-48).

Morrison does not disclose a method wherein the metadata identifies portions within the television program having certain characteristics; and the metadata having been provided by first viewers of the television program; for each of a plurality of second viewers, selecting a set of meta data that the second viewer is entitled to access, the second viewer not entitled to access all sets of meta data;

selecting portions of the television program that are identified by located meta data; and

so that each second viewer can view different portions of the television program based on their input search criteria and the selected set of meta data provided by a first viewer of the television program that the second viewer is entitled to access.

In an analogous art, Sumita teaches a method wherein the metadata identifies portions within the television program having certain characteristics; and selecting portions of the television program that are identified by located meta data (column 4, lines 43-47; column 11, lines 8-22; figure 23).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the program portion searching taught by Sumita to the system disclosed by Morrison. The motivation would have been to enable the user to find and watch only the portions that interested them, therefore making the system more enticing.

Morrison and Sumita do not disclose a method the metadata having been provided by first viewers of the television program; for each of a plurality of second viewers, selecting a set of meta data that the second viewer is entitled to access, the

second viewer not entitled to access all sets of meta data; so that each second viewer can view different portions of the television program based on their input search criteria and the selected set of meta data provided by a first viewer of the television program that the second viewer is entitled to access.

In an analogous art, Morris teaches a method the metadata having been provided by first viewers of the television program; for each of a plurality of second viewers, selecting a set of meta data that the second viewer is entitled to access, the second viewer not entitled to access all sets of meta data; so that each second viewer can view different portions of the television program based on their input search criteria and the selected set of meta data provided by a first viewer of the television program that the second viewer is entitled to access (figure 1; paragraph 31).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the user created metadata taught by Morris to the system disclosed by Morrison and Sumita. The motivation would have been to enable users in different areas to not have access to EPG meta data that does not pertain to the channels they receive.

Claim 76 is rejected on the same grounds as claim 16.

Referring to claim 17, Morrison discloses a method as recited in claim 16, wherein the selecting comprises locating a next occurrence of user input search criteria in the meta data and determining a location of the television program corresponding to the next occurrence in the meta data, and wherein the rendering comprises beginning

playback of the television program at the determined location (column 3, lines 51-53; figure 2, part 202).

Claim 77 is rejected on the same grounds as claim 17.

Referring to claim 18, Morrison does not disclose a method as recited in claim 16, wherein the selecting comprises locating a plurality of occurrences of user input search criteria in the meta data and determining a plurality of portions of the television program corresponding to the occurrences, and wherein the rendering comprises rendering the plurality of portions.

Sumita discloses a method as recited in claim 16, wherein the selecting comprises locating a plurality of occurrences of user input search criteria in the meta data and determining a plurality of portions of the television program corresponding to the occurrences, and wherein the rendering comprises rendering the plurality of portions (column 4, line 43-47).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the program portion searching taught by Sumita to the system disclosed by Morrison. The motivation would have been to enable the user to find and watch only the portions that interested them, therefore making the system more enticing.

Claim 78 is rejected on the same grounds as claim 18.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2424

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/  
Supervisory Patent Examiner, Art  
Unit 2424

JS